

VZCZCXRO9448
PP RUEHCHI RUEHDT RUEHNH RUEHPB
DE RUEHBY #1229/01 2260848
ZNY CCCCC ZZH
P 140848Z AUG 06
FM AMEMBASSY CANBERRA
TO RUEHC/SECSTATE WASHDC PRIORITY 5496
INFO RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE
RUEHLO/AMEMBASSY LONDON 1485
RUEHFR/AMEMBASSY PARIS 1212
RUEHSV/AMEMBASSY SUVA 1177
RUEHBN/AMCONSUL MELBOURNE 2986
RUEHBA/AMCONSUL PERTH 1616
RUEHDN/AMCONSUL SYDNEY 0928
RUEKJCS/SECDEF WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEKJCS/JOINT STAFF WASHINGTON DC
RHEHNSC/NSC WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 CANBERRA 001229

SIPDIS

NOFORN
SIPDIS

DEPT FOR EAP/ANP AND PRM

E.O. 12958: DECL: 08/14/2016
TAGS: [PGOV](#) [PREL](#) [PREF](#) [PHUM](#) [AS](#) [ID](#)
SUBJECT: PM HOWARD WITHDRAWS CONTROVERSIAL REFUGEE ASYLUM
BILL

REF: CANBERRA 1020 AND PREVIOUS

Classified By: Acting Polcouns John Crowley for reasons 1.4 (b/d).

11. (C/NF) Summary: Prime Minister Howard was forced to withdraw legislation from Senate consideration on August 14 that would have required all future unauthorized boat arrivals to be processed offshore for asylum claims. Facing almost certain defeat in the upper house where the Government enjoys a one-seat majority, the PM's hand was forced when four Coalition senators threatened to vote against the legislation or to abstain. Meanwhile, the 43rd and last Papuan asylum-seeker was granted protection as the Refugee Review Tribunal overturned the Immigration Department's previous decision to refuse him a visa. The withdrawal of the asylum legislation and the granting of another protection visa threatens to reignite the dispute between Jakarta and Canberra over Papua that was patched up only in June. End Summary.

PM Withdraws Asylum Legislation

12. (U) Prime Minister Howard announced on August 14, the day Senate debate was to commence on the GOA's proposed asylum legislation changes (reftel), that he would withdraw the bill from parliamentary consideration. If one Coalition senator had crossed the floor and voted against the legislation, or if more than one abstained from the vote, the bill would have suffered defeat. "In those circumstances I recommended at a special Cabinet meeting that the Government not proceed with the legislation," PM Howard told the media.

13. (U) On June 21, the PM had agreed to a number of amendments to the "Migration Amendment (Designated Unauthorized Arrivals) Bill 2006" in order to secure its passage (reftel). The proposed legislation would have required all future unauthorized boat arrivals to be processed offshore - a move seen as assuaging Indonesian anger and suspicion that Australia was supporting separatists, following the GOA's granting of temporary protection visas to 42 Papuan asylum-seekers in March.

14. (U) The House of Representatives passed the bill 79-62 on August 10, despite the fact that five Coalition MPs voted

against the legislation, including the Nationals whip John Forrest who later resigned from his party position. Parliamentarians on both sides of the floor claimed that passing the bill would have allowed Jakarta to control Australia's immigration policies and failed to provide adequate protections and treatment for asylum-seekers processed offshore. Four Coalition MPs has threatened to either abstain or vote against the bill in Senate debate on August 14.

43rd Papuan Granted Asylum

15. (U) Meanwhile, earlier this month, the Refugee Review Tribunal overturned the Department of Immigration and Multicultural Affairs's (DIMA) May decision to refuse a protection visa to the last of the 43 Papuan asylum-seekers -- pro-Papuan independence leader David Waingai. In its initial decision, DIMA claimed that Waingai was not entitled to a protection visa because he had residency rights in Japan. The Tribunal found that was not the case and further held that he could face human rights abuses if returned to Indonesia.

Comment

16. (C/NF) The withdrawal of the asylum legislation is an embarrassment for the PM who has had great success in enforcing party discipline over the past year in pushing through his legislative agenda by a wide margin. Rather than face certain defeat, the PM chose to pull the bill he claimed would have bolstered border security and prevented Australia from being used as a staging post for political activists. While the June meeting between PM Howard and President

CANBERRA 00001229 002 OF 002

Yudhoyono successfully capped the months-long process of normalizing relations between the two countries, in June, the latest development will certainly put new strains on the relationship. At the same time, had the legislation passed the Senate, it's evident flaws -- including creating two classes of asylum seekers with different standards of care and unequal access to legal assistance -- would have steered Australia into almost certain conflict with the UNHCR.

OWENS